

REFERENCE TITLE: heritage funds; encumbrances

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2509

Introduced by
Representatives Jones, Aguirre A, Burns J, Mason, O'Halleran, Sinema,
Senator Cannell: Representatives Boone, Bradley, Chase, Downing,
Kirkpatrick, Konopnicki, McComish, McLain, Prezelski, Weiers JP, Senator
Arzberger

AN ACT

AMENDING SECTIONS 17-297 AND 41-502, ARIZONA REVISED STATUTES; RELATING TO
THE HERITAGE FUNDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 17-297, Arizona Revised Statutes, is amended to
3 read:

4 17-297. Arizona game and fish commission heritage fund

5 A. The Arizona game and fish commission heritage fund is established
6 consisting of monies deposited from the state lottery fund pursuant to
7 section 5-522 and interest earned on those monies.

8 B. The fund shall be administered by the Arizona game and fish
9 commission and is not subject to appropriation and expenditures from the fund
10 are not subject to outside approval notwithstanding any provision of section
11 17-241 or 17-261 or any other statutory provision to the contrary. Monies
12 received pursuant to section 5-522 shall be deposited directly with the
13 Arizona game and fish commission heritage fund. **THE COMMISSION MAY ESTABLISH
14 SEPARATE ACCOUNTS WITHIN THE FUND WITH RESPECT TO INDIVIDUAL PROJECTS.** On
15 notice from the Arizona state game and fish commission, the state treasurer
16 shall invest and divest monies in the fund **AND THE INDIVIDUAL ACCOUNTS WITHIN
17 THE FUND** as provided by section 35-313, and monies earned from investment
18 shall be credited to the fund **OR TO THE RESPECTIVE ACCOUNT.**

19 C. All monies in the Arizona game and fish commission heritage fund
20 shall be spent by the Arizona game and fish commission only for the purposes
21 and in the percentages set forth in this article. In no event shall any
22 monies in the fund revert to the state general fund and monies in the fund
23 are exempt from the provisions of section 35-190 relating to lapsing of
24 appropriations.

25 **D. IF A PROJECT OF ACQUISITION, CONSTRUCTION OR OTHER PERMANENT
26 IMPROVEMENT EXTENDS LONGER THAN ONE FISCAL YEAR, THE COMMISSION MAY ENCUMBER
27 AN AMOUNT TO BE SPENT FROM THE ARIZONA GAME AND FISH COMMISSION HERITAGE FUND
28 SUFFICIENT FOR THE FULL COST OF THE PROJECT NOTWITHSTANDING THE COSTS MAY BE
29 PAID IN DIFFERENT FISCAL YEARS. WITH RESPECT TO THESE MULTIYEAR PROJECTS,
30 THE COMMISSION:**

31 **1. SHALL SEPARATELY ACCOUNT FOR EACH SUCH PROJECT.**

32 **2. MAY PUBLICLY IDENTIFY THEM WITH GENERAL DESCRIPTORS FOR PURPOSES OF
33 CONFIDENTIALITY.**

34 **3. SHALL SPECIFICALLY IDENTIFY THEM TO THE JOINT LEGISLATIVE BUDGET
35 COMMITTEE AND THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING,
36 WHICH SHALL MAINTAIN THEIR CONFIDENTIALITY, NOTWITHSTANDING TITLE 39, CHAPTER
37 1, ARTICLE 2.**

38 ~~D.~~ E. The commission shall not use its rights of eminent domain to
39 acquire property to be paid for with money from the Arizona game and fish
40 commission heritage fund.

41 Sec. 2. Section 41-502, Arizona Revised Statutes, is amended to read:

42 41-502. Arizona state parks board heritage fund

43 A. The Arizona state parks board heritage fund is established
44 consisting of monies deposited from the state lottery fund pursuant to
45 section 5-522 and interest earned on those monies.

1 B. The fund shall be administered by the Arizona state parks board and
2 is not subject to appropriation. Expenditures from the fund are not subject
3 to additional approval notwithstanding any provision of section 41-511.05 or
4 41-511.11 or any other statutory provision to the contrary. Monies received
5 pursuant to section 5-522 shall be deposited directly with the Arizona state
6 parks board heritage fund. **THE BOARD MAY ESTABLISH SEPARATE ACCOUNTS WITHIN**
7 **THE FUND WITH RESPECT TO INDIVIDUAL PROJECTS.** On notice from the Arizona
8 state parks board, the state treasurer shall invest and divest monies in the
9 fund **AND THE INDIVIDUAL ACCOUNTS WITHIN THE FUND** as provided by section
10 35-313, and monies earned from investment shall be credited to the fund **OR TO**
11 **THE RESPECTIVE ACCOUNT.**

12 C. The board shall not use its rights of eminent domain under section
13 41-511.06 to acquire property to be paid for with monies from the Arizona
14 state parks board heritage fund.

15 D. All monies in the Arizona state parks board heritage fund shall be
16 spent by the Arizona state parks board only for the purposes and in the
17 percentages set forth in this article. In no event shall any monies in the
18 fund revert to the state general fund and monies in the fund are exempt from
19 the provisions of section 35-190, relating to lapsing of appropriations.

20 **E. IF A PROJECT OF ACQUISITION, CONSTRUCTION OR OTHER PERMANENT**
21 **IMPROVEMENT EXTENDS LONGER THAN ONE FISCAL YEAR, THE BOARD MAY ENCUMBER AN**
22 **AMOUNT TO BE SPENT FROM THE ARIZONA STATE PARKS BOARD HERITAGE FUND**
23 **SUFFICIENT FOR THE FULL COST OF THE PROJECT NOTWITHSTANDING THE COSTS MAY BE**
24 **PAID IN DIFFERENT FISCAL YEARS. WITH RESPECT TO THESE MULTIYEAR PROJECTS,**
25 **THE BOARD:**

26 1. **SHALL SEPARATELY ACCOUNT FOR EACH SUCH PROJECT.**

27 2. **MAY PUBLICLY IDENTIFY THEM WITH GENERAL DESCRIPTORS FOR PURPOSES OF**
28 **CONFIDENTIALITY.**

29 3. **SHALL SPECIFICALLY IDENTIFY THEM TO THE JOINT LEGISLATIVE BUDGET**
30 **COMMITTEE AND THE GOVERNOR'S OFFICE OF STRATEGIC PLANNING AND BUDGETING,**
31 **WHICH SHALL MAINTAIN THEIR CONFIDENTIALITY, NOTWITHSTANDING TITLE 39, CHAPTER**
32 **1, ARTICLE 2.**